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Convention on the Rights of the Child

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List of issues in relation to the fifth periodic report of Pakistan

Addendum

Replies of Pakistan to the list of issues*

[Date received: 15 March 2016]

* The present document is being issued without formal editing.

Please recycle

Part I[1]

Paragraph 1 and subparagraphs (a) to (d)

1. The most significant development in respect to law making since the last periodic report has been the passage of the 18th Constitutional Amendment to the Constitution of Pakistan in 2010. Consequent to the 18th Amendment, the subject of the child in terms of legislative and administrative competence as well as financial authority, was devolved to the provinces. The Federal Government therefore, can now legislate on child related issues only in relation to Federal territories and those areas not forming part of a province. However, under Article 144 of the Constitution, legislative competence in relation to criminal law, procedure and evidence and any other issue still lies concurrently with the Federal Parliament and Provincial Assemblies.

2. In order to ensure conformity of laws, legislation is still been done at the Federal level and cover the entire country. For instance, To protect the Child from abuse in all respects, the Government of Pakistan decided to amend Pakistan Penal Code, 1860 ("PPC"). Ministry of Human Rights drafted Criminal Law (Amendment) Bill, which covers all aspects of child abuse. The proposed Bill provides for insertion of new sections in PPC i.e., 292A (Exposure to Seduction), 292B (Child Pornography), 292 C (Punishment for Child Pornography), 328A (Cruelty to a Child) 369A (Trafficking to Human Being in particular Internal Trafficking), 377A (Child Abuse) and 377B (Punishment for Child Abuse). It further proposes the raising of minimum age of criminal responsibility by amending section 82 & 83 of PPC. The Bill has been passed by the National Assembly and is being considered by Senate.

3. In some instances provincial assemblies have passed resolutions (under Article 144 of the Constitution) empowering Federal Government to make legislation applicable to the whole of Pakistan. On the other hand, federal as well as provincial assemblies have also been simultaneously passing laws such as Child Marriage Restraint Act and Right to Education Act with the view to make them applicable to the entire state.

4. After the devolution, the National Commission for Child Welfare and Development (NCCWD) has been placed within the Ministry of Human Rights. All provinces have provincial departments of human rights. These departments coordinate with the provincial governments and ensure implementation of child rights. The Provincial Commissions for Child Welfare & Development (PCCWD) also liaise and coordinate with NCCWD for protection of rights of children.

5. The FATA Child Protection Policy has been launched for the promotion and protection of children. It is a momentous step undertaken for millions of children of FATA to protect them from violence, abuse and exploitation and safeguard their rights.

6. Regarding budgetary allocations, issues pertaining to the rights of children are cross cutting. The budgetary allocations for Public Sector Development Program including services provided for health and education directly benefit children. Budgetary allocation for family support program, Benazir Income Support Program, Pakistan Bait-ul-Mal, Women empowerment package are also addressing the needs of vulnerable children and their families.

[1] The headings in this document refer to those in the Committee's list of issues (CRC/C/PAK/Q/5)

7. Despite resource constraints, concerted efforts have been made to implement National Plan of Action 2006. Participation in Early Childhood Education rose to 74% with no striking disparity in enrolment of boys and girls. Infant, child and maternal mortality rates have seen significant improvement. Access to clean drinking water has improved from 90% in 2005 to 93% in 2015. Child Protection Units in Sindh, Punjab and KP have been established where around 15,000 cases have been either registered or referred.

8. In order to effectively coordinate, monitor and promote the Rights of the Child, the Ministry of Human Rights has drafted a Bill "National Commission on the Rights of the Child Bill" for establishment of an independent Commission to deal with the issues of children. The Bill is under consideration of the Standing Committee on Law and Justice of the National Assembly. The proposed Commission would be empowered to examine existing laws relating to children rights and recommend future legislation. The proposed Commission will also monitor the situation of children's rights in the country and coordinate with provincial governments and civil society organizations.

Paragraph 2

9. The Government has taken various measures to combat the gender related crimes by enacting various laws, in particular, Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011. Following new sections have been inserted in the Pakistan Penal Code, 1860: i. 310-A. Punishment for giving a female in marriage or otherwise in badla-e-sulh, wanni or swara; ii. 498A. Prohibition of depriving woman from inheriting property; iii 498B. Prohibition of forced marriage; and iv. 498C. Prohibition of marriage with the Holy Quran.

10. The Acid Control and Acid Crime Prevention Act 2012 applies to all provinces and is implemented through existing criminal justice system. The offence of Honor killing is punishable under PPC. As the offence is considered as "murder". Moreover Protection of Women Act, 2006 provides protection to women.

11. Awareness programs have been initiated by respective provincial governments, civil society organizations and media for combating gender related crimes. Family support programs have also been launched by the Government to address harmful customary practices.

Paragraph 3

12. There is no discrimination against children on any ground. Various legal, policy as well as administrative measures have been taken to safeguard rights of children. At the Federal level, the ICT Child Protection Bill, 2016 has been drafted. The Bill covers the issue of unattended children and children with disabilities. The Ministry of Human Rights is implementing a project on Ending Violence against Children with the support of SAARC Development Fund. Under this Project, the key stakeholders including media, civil society organizations and public sector have been sensitized on issues relating to children. The Child Protection and Welfare Bureau, Government of Punjab is rescuing children of known parentage under the Destitute and Neglected Children Act, 2004 and taking legal as well as administrative measures to provide them right to survival. Other provinces are also taking steps for the protection of children.

Paragraph 4

13. Every individual born in Pakistan, including refugee/foreigner has right to be registered under NADRA Ordinance 2000 without any discrimination. National Data Base and Registration Authority ("NADRA") acts as a federal body under NADRA Ordinance, 2000 to oversee and regulate affairs related to birth registration in the entire country. The local governments are also authorized and responsible to maintain birth registration record at Union Council level in collaboration with NADRA. NADRA has developed a grass -root level online program, i.e., Civil Registration Management System (CRMS) for the registration of Birth, Death, Marriage and Divorce. The CRMS is linked with the local governments in the country which are feeding details under the four vital services as well as providing computerized registration and certificates.

14. NADRA has also devised an Orphan Registration Policy 2015, which is being implemented in the entire country. To register the name of the children with unknown parentage, it is explicitly stated in this policy that any "Unspecified Name" can be given to the parents of children with unknown parentage." NADRA issues **Computerized National Identity Cards (CNIC) to persons with unknown parentage because Pakistan recognizes children without known parents as citizens of Pakistan with a right to obtain identity cards. In the first place, orphans are registered with NADRA to ensure that they are not deprived of their fundamental right to identity. Upon reaching 18 years of age, they are issued National Identity Cards.**

15. In order to facilitate temporary dislocated persons, NADRA has allowed its registration centers in Nowshowra, Chotta Lahore, Kohat, Mardan, Samarbagh, Wari, Swat and Peshawar III for issuing forms for ensuring registration. NADRA has also made special arrangements for issuing ID cards to these persons and has opened NADRA counters in all the camps where female staff has been deputed to facilitate temporary dislocated women. Moreover, special arrangements have also been made for attestation of ID cards of the affectees.

Paragraph 5

16. The Constitution of Pakistan forbids discrimination on all grounds. Under Section 4 of the Pakistan Citizenship Act, 1951, every person born in Pakistan after commencement of the Act, shall be citizen of Pakistan except if the father is considered an enemy of the state or the father has immunity from legal process. The birth registration of child takes place at union council level under birth registration policy of NADRA. Any person, regardless of ethnic or religious identity, can approach the concerned union council or NADRA office with a proof that the child is born in the territory of Pakistan for his/her registration. No complaint has been received that birth registration of persons belonging to Bengali, Bihari or Rohingya community have been denied.

Paragraph 6

17. The Constitution of Pakistan guarantees human rights to all citizens including minorities. In a case filed through the Ministry of Law & Justice, i.e. Pakistan Hindi Council v. Pakistan, the Supreme Court held that every citizen had a fundamental right to profess, practice and propagate his religion. In the event of violation of such right including forced conversions, the Court held that violations of fundamental rights can always be presented directly before the court.

18. In Pakistan, concerted efforts are being made to eliminate discrimination against children belonging to minorities and children with disabilities. The government has followed the track of reconciliation. It has extended support to all political and religious parties and groups for working together and resolving issues that hamper development. The government has also mobilized positive public opinion about minority groups. Pakistan's 'Vision 2030' envisages Pakistan as a tolerant society where people can live life with freedom, dignity and equal access to all economic goods, services and opportunities.

19. The Government has taken various steps for the protection of the rights of minorities in Pakistan. Procedure has been amended and the preliminary inquiry in blasphemy cases now is carried out by the District Police Officer. No children have been convicted under Blasphemy Law.

20. The Government has notified the National Commission for Minorities (NCM) with revised terms of references in July 2014 with the view to empower the NCM. The Ministry of Religious Affairs and Interfaith Harmony is also preparing a National Interfaith Harmony Policy in consultation with stakeholders. The Ministry of Human Rights is giving special attention to the protection of rights of minorities in National Action Plan to improve Human Rights situation in Pakistan. The Ministry of Information, Broadcasting and National Heritage has issued Code of Conduct 2015 for amending Pakistan Electronic Media Regulatory Authority ("PEMRA") Rules, 2009 under which the electronic media has been directed to ensure that no hate speech is aired in any of its programmes.

21. In addition, federal as well as provincial governments are introducing curriculum reforms with the view to include human rights education in the syllabus. Children belonging to minorities are not made to study Islamic teachings, rather they are taught separate subject of ethics. Besides, forced marriage has been criminalized under Section 498-B of PPC. Supreme Court of Pakistan has taken Suo Moto Action in cases of alleged forced conversions of girls belonging to minorities.

22. Regarding investigation of death of 7 year old Hazara girl on 28 October 2014 in Quetta, FIR No. 64/2014, U/S 302 QD, 07ATT was registered at Police Station Bijli Road, Quetta. The investigation agencies conducted comprehensive investigations including using forensic report, ocular account and testimonies and found the accused Junaid Shahzad guilty. The accused was arrested and the case is presently under trial at Anti-Terrorism Court-1, Quetta.

Paragraph 7

23. The Government is firmly committed to end all forms of violence against children including corporal punishment. Government has presented Criminal Law (Amendment) Bill, 2015 in the Parliament. The Bill proposes insertion of Section 328 A in PPC. It would penalize cruelty to children either in physical or psychological form by anyone. The Bill has been passed by the National Assembly and presently is with the Standing Committee of Senate. Moreover, another private member bill with the name of "the Prohibition of Corporal Punishment Bill, 2016" has been introduced in the Parliament. The Bill provides that corporal punishment of child by any person should be prohibited in all its forms in schools and other educational Institutions including formal and non-formal both public and private, child care institutions and in juvenile justice system institutions.

24. The Federal as well as the respective provincial governments have issued policy direction/instruction to all educational institutions to prohibit corporal punishment. Awareness campaign with slogan of "Maar Nahe Pyar" (beat not only gave love) has massively been disseminated through electronic and print media.

Paragraph 8

25. The Constitution as well as Criminal Procedure Code and Pakistan Penal Code prohibit acts of torture. Acts of torture are also subject to criminal penalties, including fines and incarceration. The justice system, in this regard holds the perpetrators accountable. Current criminal law both federal and provincial, clearly prohibit all acts of violence that may amount to torture. These acts may be prosecuted under a number of provisions of PPC including assault, murder, rape, wrongful confinement, criminal force and kidnapping, among others.

26. Courts in Pakistan properly supervise the physical custody of the accused and executive authority, police and investigating agencies are prohibited from torture of citizens. Besides, whipping has been abolished by the Abolition of the Punishment of the Whipping Act, 1996. Torture is also prohibited under the Prison Act, 1894, Borstral Act, 1926 and FCR, 1901.

Paragraph 9

27. The Government has taken legal as well as policy measures to end child abuse and exploitation. Child abuse is covered under the Pakistan Penal Code 1860 under various Sections: 293 (Sale, etc., of obscene objects to young person, may extend to six months) 365B (Kidnapping, abducting or inducing woman to compel for marriage etc-imprisonment for life); 369. (Kidnapping or abducting child under ten years with intent to steal from its person, imprisonment of either description for a term which may extend to seven years); 371A. (Selling person for purposes of prostitution, etc., imprisonment which may extend to twenty-five years); 371B. Buying a person for purposes of prostitution, etc, imprisonment which may extend to twenty-five years); 375. Rape, 376. (Punishment for rape, death or imprisonment for life); 377. (Unnatural offences, imprisonment for life), among others.

28. To cover the issue of child abuse in a comprehensive manner, the Criminal Law (Amendment) Bill, 2016 is also being enacted. The Bill proposes insertion of new sections in the PPC to criminalize offences i.e., exposure to seduction, child pornography, cruelty to a child, trafficking of human beings and sexual abuse. The Bill was passed by the National Assembly on 10th December, 2015. It was introduced in the Senate on 23rd December 2015 and Chairman Senate referred it to the Senate Committee on Human Rights for consideration.

29. With regard to the measures taken to investigate the sexual abuse reported in the Kasur District, Punjab, following measures have been undertaken:

- A Joint Investigation Team (JIT) was constituted.
- 24 victims recorded their statement to JIT. JIT came up with recommendations which are being implemented.
- Lahore High Court has taken serious notice on the sale of clips of child abuse in the market, and directed the provincial administration to take action against it.
- The District Police Officer, Kasur suspended five policemen in the child abuse scandal.
- Police arrested main accused of child abuse case namely Waseem Sindhi. Out of 20 accused, 17 have been arrested.
- The Inspector General of Police suspended the services of District Police Officer, Kasur after the surfacing of the child abuse case.

- Ganda Singh police station registered 27 cases against the suspects.
- The anti-terrorism Court handed over three suspects, i.e., Tanzeel-ur-Rehman, Atiq-ur-Rehman and Waseem on physical remand for interrogation regarding their involvement in Kasur child abuse scandal.

30. The Balochistan Child Protection Bill, 2015 is under consideration of the provincial assembly for enactment which proposes to establish child protection centers. In Azad Jammu and Kashmir, Child Protection Policy has been approved by the government and child protection centers under this policy are operational. In Gilgit-Baltistan, Child Protection Bill is in consultative process which proposes to establish child protection centers.

Paragraph 10

31. The Pakistan Penal Code, 1860 has been amended through the Anti Women Practices Act, 2011 and the persons accused of involved in anti-women practices are being prosecuted and, punished if found guilty by courts. The Sindh Assembly has passed Sindh Child Marriage Restraint Act 2013 which declares marriage below the age of 18 years punishable by law. The Punjab government has promulgated the Punjab Marriage Restraint (Amendment) Bill, 2015 for criminalizing child marriage.

32. The Khyber Pakhtunkhwa Government has enacted the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 to provide for the care, protection, welfare, training, education, rehabilitation and reintegration of children at risk. The Act defines "child" means a natural person who has not attained the age of eighteen years." Gilgit Baltistan Muslim Family Law has already provided 18 years age for marriage of a person and the marriage being a civil contract cannot be made without attaining the age of 18 years. The GB Child Marriage Restraint Act 2015 is under discussion before the GB Legislative Assembly which proposes minimum age for a valid marriage as 18 years.

Paragraph 11

33. In Pakistan, the majority of the population lives in the rural areas and extended family support system is strong which prevents and safeguards children from institutionalization. The Child Protection Centers/units all over the country provide temporary shelter services for marginalized children. The orphan and marginalized children are reintegrated with their families/communities through community networks at grass root level. The standard Operating Procedures have been devised for child care institutions and the stakeholders have been provided trainings in this regard.

Paragraph 12

34. With the observance of 1981 as the United Nations International Year of Disabled Persons, special focus had been given to the rights of persons with disabilities (PWDs). Pakistan ratified the United Nations Convention on the Rights of Persons with Disabilities in 2011. To implement the provisions of the Convention, the federal and provincial governments have taken various measures. In this regard, independent special education departments have been established in the provinces. At the Federal level, four National Special Education Centres (one for each disability i.e. hearing impairment, visual impairment, physical disability and mental retardation) are functioning since 1982. The National Policy for Persons with Disabilities was formulated in year 2002 to address the

specific needs of persons with disabilities. The steps recently taken by the Government for the well-being of PWDs includes:

- Formulating design Manual and Building Bye-laws on accessibility for PWDs and prepared draft legislation on accessibility
- Started Sign Language Interpretation on Pakistan Television Network.
- Issuance of Special Computerized National Identity Card (SCNIC) for PWDs through NADRA.
- Partnership with National Paralympic Committee and other sports organizations to ensure participation of PWDs in sports.
- Permission to appear in the Civil Services Examination on an equal basis with others.
- Establishment of UNCRPD secretariat.
- Facilitation through 50% concession in Rail and Air fare.
- Enhanced employment quota from 1% to 2% for PWDs
- Free medical treatment in Government hospitals for PWDs and their dependents/ family members.
- Opening of individual bank accounts for Visually Impaired persons.
- Establishment of National Committee for the Implementation of CRPD.
- Regularly organize festival for persons/children with disabilities at F-9 Park, Islamabad.
- Celebrated International Day for Persons with Disabilities in a befitting manner every year for raising awareness.

35. Pakistan is promoting a disabled friendly and inclusive society by involving all stakeholders including persons with disabilities. The Government is taking various measures in collaboration with civil society organizations to promote the concept of inclusive education and participation of PWDs in all spheres of life by sensitizing the people through electronic and print media and devising building/road codes friendly for disabled persons.

36. The government has adopted an inclusive education system for children with disabilities; mainstreaming children with disability in formal academic systems; increased enrolment and accessibility to regular schools. Besides, teachers of Government schools have been trained to impart education to PWDs with the view to promote inclusive education.

37. The Provincial Governments have also taken various initiatives for the welfare and rehabilitation of PWDs. The Government of Punjab increased quota from 2 to 3% through special package in educational institutions and employment. It has also launched a unique programme in the history of the country, 'Punjab Khidmat Card' for providing interest free loans, free technical training, rehabilitation and welfare and financial assistance to PWDs. For this purpose, Rs 2 billion has been allocated for the first phase of the 'Punjab Khidmat Card' programme and 200,000 deserving disabled persons would benefit from this programme.

38. The Government of Sindh, Social Welfare Department established 16 rehabilitation centers all over the province for children with disabilities. These Centers are providing multiple services to disabled children including education, braille and sign language training, vocational and sskill building training. The government of Khyber Pakhtunkhwa has taken number of steps for the welfare and rehabilitation of PWDs and has established

24 institutions in different districts during 2011-14, including welfare homes for orphan children, school for hearing impaired, blind and deaf children, among others.

Paragraph 13

39. Despite resource constraints, the Government is gradually increasing budgetary allocations for health. According to Economics Survey of Pakistan, 114.22 billion rupees have been allocated for the health sector during 2014-2015.

40. The Government has taken various steps taken to protect polio health workers and ensure their safe access to children, including, among others, New Emergency Operational Guidelines, involvement of the DC/DCO/PA of every district/agency, coordination between civil and military authorities to ensure safety and security of all the field polio eradication workers.

41. Government has also taken a life-cycle approach and recognizes the importance of optimal nutrition for women in order to minimize the risks associated with malnutrition. Securing good nutritional status of women across the life-cycle will in the long term reduce child underweight and stunting. Following programs in this regard are noticeable:

- National infant feeding board has been notified both at federal and provincial level to ensure implementation of breast feeding ordinance;
- Infant and young childhood Feeding (IYCF) strategy has been developed which will address first 1000 day window of opportunity with involvement of all stakeholder;
- Provinces have developed their PC-1 for nutrition;
- In province of Sindh with the support of WFP &UNICEF anti-stunting program is being launched in high priority districts;
- Food fortification alliance has been notified. Fortification of flour with iron supplement in collaboration with Pakistan flour mill association;
- Launch of PM health insurance program ensuring access to poor segment / community to avail essential obstetric care services at quality health care facilities; and
- Fortification of flour has been initiated in Punjab and AJK.

42. The expanded program for Immunization, National Program for Family Planning and Primary Health Care through its network of 96,000 community based Lady Health workers have substantial impact on the uptake of important primary health services. Pakistan has endorsed the Global Action Plan on Pneumonia and Diarrhea in 2013 and Global Every Newborn Action Plan in 2014. National Institute of Health is now producing, manufacturing and distributing low osmolality ORS through EPI programs. Co-packaging of Zinc and low osmolality ORS is also under process.

Paragraph 14

43. The reproductive and sexual health information is being provided through different health programs. The Mobile Service Units (MSUs) are the flagship of the Population Welfare Programme. These provide a package of quality Family Planning/Reproductive Health (FP/RH) services to the people of remote villages and rural communities. The MSUs operate from specially designed vehicles which carry all the facilities of a mini clinic ensuring complete privacy for simple gynecological procedures.

Paragraph 15

44. The Government of KPK is in the process of finalizing the right to free and compulsory education Bill in pursuance of Article 25-A of the Constitution. The Bill envisages that all children between five to sixteen year residing in the province should be entitled to get free and compulsory education. KPK Government is also making all required financial resources available for education sector and is spending 29% of its budget for improving state of education in the province.

45. The Government of AJK has passed "AJK Free and Compulsory Education Act, 2014". National Education Policy 2016-AJK has been introduced to make the territory a model for rest of Pakistan in education sector. It is noteworthy that literacy rate in AJK is 72% compared to 58% across Pakistan. Primary School enrolment is 95% for boys and 88% for girls.

46. The Government of Gilgit Baltistan is functioning under the Gilgit Baltistan (Empowerment & Self Governance) Order, 2009. Article 14 (3) of the Gilgit Baltistan (Empowerment & Self Governance) Order, 2009 provides that no citizen shall be denied admission to any educational institution receiving public revenues on the ground of race, religion, caste or place of birth. Further, Article 14(4) of the order clarifies that in respect of any religious institution, there shall be no discrimination against any community.

47. Regarding budgetary allocation for rebuilding of destroyed schools, the province of KPK is the most affected by terrorist attacks. KPK has allocated Rs. 12.38 billion in 2014-15 as compared to Rs. 11.66 billion in 2013-14 to improve the infrastructure and basic services of schools. The budgetary allocation for the years 2014-15 shows an increase of 6.17% for 95 development projects (64 on-going & 31 new development schemes) for the development of education.

Paragraph 16

48. The Federal Government has established the Private Education Institution Regulation Authority under Islamabad Capital Territory Private Educational Institutions (Registration and Regulatory) Act, 2013 to monitor and regulate the affairs of private education institutions at Islamabad capital territory. Likewise, Provincial Governments have also established such authorities which monitor and regulate private institutions under their respective jurisdiction. Following are provincial laws: The Punjab Private Educational Institutions (Promotion and Regulation Ordinance, 1984; The KP Registration functioning of Private Educational institutions) Ordinance, 2002; The Balochistan Private Educational Institute Registration and Regulation Authority Act, 2015; and Sindh Private Educational Institutions (Regulation & Control) Ordinance, 2001.

49. These Authorities control the charging of fee by the private institutions under their respective regulations. Private schools follow the instructions and the curriculum approved by the Government.

Paragraph 17

50. he Government of Pakistan has devised a National Action Plan to Combat Terrorism which includes the issue of madrassas reform and registration. So far, 250 unregistered Madrassas have been closed in different parts of the country. The Government has also completed geotagging of 3,662 Madrassas. The government had completed 100% mapping on agreed parameters in Islamabad and Punjab. 80% of the mapping exercise has been completed in Sindh, followed by 75% in KPK and 60% in Balochistan.

51. There are 190 foreign-funded seminaries in the country, of which 147 are in Punjab, 30 in Balochistan, seven in KPK and six in Sindh which are being closely monitored and regulated. Under the NPA, the Ministry of Foreign Affairs is also monitoring funding by private individuals and organizations to private entities through informal channels. Such funding is being brought under tighter scrutiny to choke off any possibility of financing for terrorists and terrorist organizations. The Government has directed that to enroll foreign students, madrassas are required to obtain No-objection Certificates (NOCs) from Ministry of Foreign Affairs.

52. The representative body of Madrassa and Government have agreed to initiate a plan to conduct audit of accounts of madrassas through independent auditor firms. After detailed consultative process, all madrassa boards have agreed to include modern/contemporary subjects in curriculum in addition to religious education. The Government is taking every possible step to mainstream the madrassas through reform programs.

Paragraph 18

53. The Afghan refugees are covered under the Management and Repatriation Strategy for Afghan Refugees in Pakistan (AMRS) of 2010. All government departments and law enforcement agencies extend complete cooperation to the relevant UN specialized agencies and NGOs for carrying out programmes for the welfare and protection of refugee children and their families; the RAHA programme is an example.

54. The Proof of Registration (PoR) card is an important identity document that allows temporary legal stay to registered Afghan refugees in Pakistan. The PoR Cards are issued by National Database and Registration Authority to all Registered Afghan refugees over 5 years of age whereas under 5 are listed on the card of mother or head of the family. PoR cards have been regularly renewed by the Government. On the basis of PoR card, all Afghan refugee children including girls are availing all basic facilities of health and education. Thousands of refugee children are studying in public schools in Pakistan free of cost without any discrimination.

Paragraph 19

55. After the 18th Constitutional Amendment, the subject of labour has been devolved to provinces. The Government of Punjab has initiated its first Child Labour Survey which will be completed in May 2017. The Government of Punjab has enacted the Punjab Restriction of Employment of Children Act, 2015, under which it has prohibited the employment of children in certain occupations and processes. The Government of Punjab has also enacted the Punjab Prohibition of Child Labour at Brick Kilins Ordinance, 2016 prohibiting the employment of children below 18.

56. The KPK Prohibition of Employment of Children Act, 2015 provides that no adolescent shall be employed or permitted to work in any hazardous place. Besides, a Bill is under consideration of the Senate regarding Domestic Workers in which it is proposed that children cannot be engaged as domestic workers.

Paragraph 20

57. The issue of child prostitution is already covered under Sections 371A (selling person for purposes of prostitution, etc., imprisonment which may extend to twenty-five years) and 371B (buying person for purposes of prostitution, etc, imprisonment which may extend to twenty-five years) of PPC.

58. The issues of child trafficking, sale of Children and pornography have been address through Criminal Law Amendment Bill, 2015 whereby new sections have been proposed to be inserted in PPC. The proposed Bill provides for insertion of following new sections in PPC: 292A (Child's Exposure to Seduction), 292B (Child Pornography), 292 C (Punishment for Child Pornography), 328A (Cruelty to a Child), 369A (Trafficking to Human Being in particular Internal Trafficking), 377A (Child Abuse) and 377B (Punishment for Child Abuse). The proposed Bill has been passed by the National Assembly and now is being considered by Senate.

Paragraph 21

59. Provincial Governments are making concerted efforts to abolish child labour completely. To eliminate child labour, the Labour Department, Government of Punjab enacted the Punjab Restriction of Employment of Children Act, 2015. A survey to identify school-children residing with their families on brick kilns has already been conducted in all 36 districts of Punjab. Now a committee has been constituted to get all the identified children enrolled in nearby schools. This is an earnest effort to do away with the misconception that such children who are bound to reside with their families on brick kilns are allegedly engaged in child labour. The Government has also introduced schemes funded by ADB with strong resolve to eliminate child labour. These include: a) Elimination of Bonded Labor in Brick Kilns with Rs. 196.987 Million. b) Combating Child Labor from Worst Forms with Rs. 180.832 Million and c) Integrated Project for Decent Work to Vulnerable Workers with Rs. 5159.629 Million.

60. The Government of Punjab has also taken proactive steps to ensure implementation of the Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016. The committees constituted for this purpose have started taking action. The Punjab Chief Minister constituted a high level Steering Committee under his chairmanship for eliminating child labour at brick kilns. The committees will inspect 12 brick kilns in a week and will be authorized to take action against child labour. The Labour & Human Resource Department has set up a 0800 helpline for lodging complaints about child labour at brick kilns. Free education, books, notebooks, uniform and transport, monthly stipend of one thousand rupees to each child whereas two thousand rupees will be given to the parents on the admission of children in schools. Seminars are also being arranged in all districts for creating awareness regarding elimination of child labour and informing owners and labourers of brick kilns about the ordinance prohibiting bonded labour. Moreover, District Vigilance Committees are responsible to identify / rescue children working in conditions not acceptable under law.

61. The Government of Khyber Pakhtunkhwa has enacted Khyber Pakhtunkhwa Prohibition of Employment Children Act, 2015. It completely bans engagement of children below the age of 14 years in labour. It provides for strict penalties for violators. In the administrative sphere, a Child Labour Unit has been established in the Directorate of Labour/Labour Department employing, beside other staff, dedicated fleet of inspectors on child labour. The Prohibition of employment of Children Bill, 2015 is in the process of final consultation in Baluchistan.

62. During the reporting period, 1679 persons alleged in anti-human trafficking cases were also arrested by FIA. The Government is committed to take action against those involved in trafficking, bonded labour, selling human beings and violating human rights. In 2014-15, FIA arrested 46 most wanted criminals and 1236 proclaimed offenders involved in human smuggling.

Paragraph 22

63. After the Peshawar Public School attack by terrorists, the Government of Pakistan has taken series of steps to ensure the safety and security of schools. Federal Government & respective provincial governments have directed the management of private & public schools to ensure implementation of Standard Operating Procedures (SOPs) for security devised by the government. To ensure the implementation of SOPS, committees under the supervisions of District Coordinator officers have been formed. The schools have recruited armed watchmen, installed barbed wire on walls and CCTV cameras as strict security measures.

64. Under SOPs, the management of schools are also conducting various types of drills to protect students, faculty, and staff against terrorists. The most common type of safety measure involves lockdown drills in which students and adults practice hiding, keeping away from doors and windows, and staying quiet. In case of high threat, possibility of secure places with strong doors and windows where maximum number of staff and students can be kept safe is being explored.

Paragraph 23

65. The Pakistan's Armed Forces is a highly professional institution and does not deploy persons under the age of 18. Terrorists cannot legally recruit any person including children because formation of private military organizations is prohibited and illegal under Article 256 of the Constitution. Forming of such organization is also punishable under the Private Military Organizations (Abolition and Prohibition) Act, 1973. The Government is making the utmost effort to prevent instances of use of children by terrorists and extremist groups. Punitive action is being taken against those who use children for terrorist activities.

66. In order to deal with the children who come into conflict with law, Juvenile Justice System Ordinance, 2000 (JJSO) was promulgated. For the implementation of the JJSO, there are about 220 courts that are also notified as juvenile courts across the country. These courts have been conferred with powers for trying cases of children who come in conflict with law. These courts include District and Sessions Judge Courts, Additional District and Session Judge Courts, Senior Civil Judge and Judicial Magistrates. In the light of JJSO, juveniles cannot be tried in Military courts.

67. The Government has also formulated the Juvenile Justice System Bill, 2016 ("JJS Bill"). The JJS Bill focuses on disposal of cases through diversion and social-reintegration of the child offenders. For purposes of social reintegration of the child, the government will be empowered to establish educational/corrective institutions and to certify institutions managed and controlled by a non-government organization. The government would be empowered to monitor and evaluate the performance of such educational/corrective institutions through the Juvenile Justice Committee or any other person authorized on its behalf. The children in conflict with law will be placed in such educational/corrective institution. They will be imparted education, industrial or technical training for their mental, moral, and psychological developments.

Paragraph 24

68. The Prime Minister has constituted a high powered FATA reform committee consisting of five member led by Advisor to Prime Minister on Foreign Affairs. The committee is in the process of formulating the FATA reform package which includes proposing legislative reform.

69. A new section 310-A has been inserted in the PPC to address the illegal practice of badal-e-sulh by Jirgah/Panchayats. Besides, forced marriage has been made punishable offence under section 498-B of PPC. In civil matters only Jirga performs as an Alternate Dispute Resolution (ADR) body under some civil laws. In order to criminalize illegal acts of Jirga system a Bill is under consideration.

Paragraph 25

70. The Juvenile Courts established under Juvenile Justice System Ordinance, 2000 exercise jurisdiction over the children who come in conflict with law. Criminal Law amendment Bill, 2015 has been presented in parliament and it has been passed by the lower House i.e. National Assembly. Now it is being considered by Senate. In the proposed Bill, amendments have been proposed in sections 82 & 83 of the Pakistan Penal Code, 1860 to raise the minimum age of criminal responsibility from 7 years to 10 years and presumption of age of maturity has been proposed to raise from 12 years to 14 years respectively.

71. Regarding determining the juvenility, in absence of birth certificate, school certificate or other official documents, the Court directs the prosecution to get the accused examined by the medical board to determine the age of accused with the view to resolve dispute regarding age.

Paragraph 26

72. Criminal justice system of Pakistan provides for protection of right of a child accused of offence if he is below the age of 18 years. In this regard, the information such as 'age' can be presented or corrected at different stages i.e., i) initial statement at the time of arrest, ii) arrest certificate (huliya form), iii) first version of statements recorded under Section 161 of Cr.PC, iv) initial entry in police diary (zimni), v) recording of statements under Section 164 of Cr.PC, vi) recording of evidence, vii) statements of accused person under Sections 340 and 342 of Cr. P.C., viii appeal to High Court, ix) reference/appeal/revision petitions at Supreme Court of Pakistan. In addition, another remedy available to convicts under the Constitution, is given under Article 45 of the Constitution whereby the President is empowered 'to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority'. Hence, the President of Pakistan, if he deems it proper, may also grant remission, reprieve or suspend sentence of a convicted person.

73. The convicted persons, i.e. Ansar Iqbal, Shafqat Hussain, Aftab Bahadur, Faisal Mahmood and Muhammad Afzal, availed all judicial forums including the appellate forums of High Court and Supreme Court but they could not prove their innocence and claim of juvenility. The trial judges properly scrutinized the prosecution evidence as well as defence pleas taken by the accused persons in their statements. While deciding the cases, all facts and circumstances of cases were considered by the courts. The cases of the convicts were decided on merit and not on technical grounds. In addition, the Ministry of Interior conducted inquiries for these cases but the alleged claim of juvenility could not be proved.

74. In case of Ansar Iqbal, the Supreme Court of Pakistan comprehensively analyzed the record and judgments of trial court as well as of High Court. The Supreme Court dismissed the claim of Ansar's juvenility on merit and not on technical ground. The accused person presented fake documents to prove his claim of juvenility. Ansar's school leaving certificate claimed his year of birth 1979, a duplicate Form B- allegedly issued by NADRA records his year of birth as 1978 while NADRA record related to his father shows his year of birth 1974. It is noteworthy that neither the school leaving certificate nor Form B

allegedly issued by NADRA, presented by the convict, could be verified. Since, the documents presented by Ansar could not be verified, thus the Supreme Court decided to reject his leave to appeal on merits considering all relevant material and evidence on record.

75. In Shafqat Hussain's case the claim of juvenility was never claimed up to the Criminal Revision Petition before Supreme Court. Later, the inquiry conducted by Ministry of Interior concluded that he was of 23 years old at the time of commission of offence. The claim of Shafqat's year of birth being 1991 was incorrect. The inquiry report recommended that "Birth Certificate belatedly introduced has been declared as fake. Legal proceedings may be initiated against those involved in this crime". In case of Faisal Mahmood, the claim of juvenility was never made and proved by the record except his solitary statement recorded under Section 342 Cr.PC during trial. Similarly, the claims of juvenility of Muhammad Afzal and Aftab Bahadur could not be proved by any evidence on record.

Part II

76. Due to space constraint, , the answers to this section represent only the key legislation, policies, programs and projects introduced since 2013.

(a) New bills or laws, and their respective regulations

- Criminal Law Amendment Bill, 2016
- National Commission on the Rights of the Child Bill, 2016
- ICT Child Protection and Welfare Bill, 2016
- Juvenile Justice System Bill, 2016
- Christian Marriage (Amendment) Bill, 2016
- Divorce (Amendment) Bill, 2016
- Hindu Marriage Bill, 2016
- Domestic Violence (Prevention and Protection) Bill, 2016
- The Punjab Land Revenue (Amendment) Act, 2015
- The Punjab Partition of Immovable property Act, 2015
- The Punjab Muslim Family Laws (Amendment) Act, 2015
- The Family Courts (Amendment) Act, 2015
- Punjab Marriage Restraint (Amendment) Act, 2015
- The Punjab Fair Representation of Women Act, 2014
- The Punjab Free and Compulsory Education Act, 2014
- The Sindh Child Protection Authority Act, 2011.
- The Sindh Child Marriage Restraint Act, 2014
- The Sindh Domestic Violence Protection and prevention Act, 2013
- The Balochistan Child Protection Bill, 2015.
- The Balochistan Domestic Violence Prevention and Protection Act, 2014
- The Balochistan Compulsory Education Act, 2014
- The Khyber Pakhtunkhwa Elimination of the Custom of Ghag Act, 2013

- The Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015
- The Prevention of Bonded Labour and Child Labour Act, 2015.
- AJK Free and Compulsory Education Act, 2014
- Foreigners (Amendment) Ordinance, 2015

(b) New institutions (and their mandate) or institutional reforms

77. Establishment of National Commission on Human Rights: The Commission has been mandated to work for the protection and promotion of human Rights including children. It has become fully functional after the appointment of Chairman and its Members on 19th May 2015.

78. The Punjab Commission on the status of Women and the KP Commission on the Status of Women: These provincial commissions are statutory autonomous bodies and mandated to monitor the implementation of national laws and policies affecting women and girl and data collection at the district and the provincial level.

(c) Recently introduced policies, programmes and projects

79. The Vision 2025, launched by Prime Minister Nawaz Sharif on August 11, 2014 envisages increasing primary school enrollment and completion rate to 100% and literacy rate to 90%, increasing higher education coverage from 7% to 12 %, improving primary and secondary gender parity index to 1, and increasing the female workforce participation rate from 24% to 45%, increasing the proportion of population with access to improved sanitation from 48% to 90%, reducing infant mortality rate from 74 to less than 40 (per 1,000 births) and reducing maternal mortality rate from 276 to less than 140 (per 1,000 births), reducing the incidence/prevalence of hepatitis, diarrhea, diabetes and heart disease by 50% and eyeing world championship in three sports and 30 medals in the Asian games.

80. Prime Minister of Pakistan has approved the Action Plan to improve Human Rights situation in the country on 13th of February, 2016. Under this Plan, an amount of Rs. 400 million will be provided for human rights education, sensitization, awareness, research and communication.

81. Under the Prime Minister Health Insurance Program, free of cost treatment for ailments such as cardiovascular diseases, Diabetes Mellitus, Burma and RTA (life and limb saving treatment, implants, prosthesis) would be offered. 1.2 million Card holder families will get this facility in the first phase. This will be spread across to families in 23 districts of Pakistan living below the poverty line both for 7 priority and secondary diseases.

82. Prime Minister of Pakistan has formally launched the education reforms program in Islamabad aimed at improving educational facilities and a congenial environment to the students. Under the reforms program, all the four hundred and twenty two schools and colleges in the capital territory would be upgraded and equipped with state of the art facilities. An amount of Rs. five billion has been approved for the upgradation of schools and colleges in the Federal Capital. The Prime Minister also directed the provinces to start similar programs in their respective provinces.

83. Prime Minister's Youth Program is a revolutionary program for the socio-economic development of youth, in a bid to deal with unemployment in the country. The other noticeable provincial programs include the Government of Punjab Labour Reform Program and Program for Persons with Disabilities, 2016.

84. NCSW has initiated Generating Data to Advance Women's Social and Economic Wellbeing in Pakistan project which would generate nationally representative high quality baseline data on women's economic participation and on the incidence, prevalence and

determinants of Violence against Women using standardized indicators for physical, sexual, economic, psychological and political violence.

Part III

Paragraph 1

85. The Government of Pakistan is committed to enhance the allocated resources to education sector by ensuring proper and timely utilization of funds in order to achieve the UNESCO target of 4.0 percent of GDP by 2018. The provincial governments are also spending sizeable amount of their Annual Development Plans (ADPs) on education to achieve the targets.

86. During 2014-15, Punjab government has allocated Rs.48.31 billion against last year of Rs.23.31 billion, a increase of 107 percent for 532 development projects (325 on-going & 207 new schemes) for education which includes school education Rs.28.10 billion, Higher Education Rs.14.05 billion, Special Education Rs.0.80 billion, Literacy Rs.2.40 billion and Sports & Youth Affairs Rs.2.96 billion.

87. During 2014-15, Sindh government has allocated Rs.15.05 billion as compared to Rs.14.99 billion of last year showing an increase of 0.4 percent for 524 development projects (220 on-going and 304 new schemes) of education which includes Rs.1.93 billion for Elementary Education, Rs.0.15 billion for Teacher Education, Rs. 0.02 billion for Sindh Education Foundation, Rs.7.43 billion for Secondary Education, Rs.2.34 billion for College Education, Rs.1.61 billion for Higher Education and Rs. 1.57 billion for Miscellaneous expenditure.

88. Government of Khyber Pakhtunkhwa has allocated Rs. 12.38 billion in 2014-15 as compared to Rs. 11.66 billion in 2013-14 showing an increase of 6.17 percent for 95 development projects (64 on-going & 31 new development schemes) for the development of education. It includes Primary Education Rs.1.61 billion, Secondary Education Rs.6.52 billion, archives and libraries Rs. 0.28 billion and College Education Rs. 3.97 billion.

89. Balochistan government has allocated Rs. 11.52 billion against Rs. 10.15 billion of last year, an increase of 13.50 percent for 217 development projects (56 on-going & 161 new schemes) for development of education which includes Rs. 2.98 billion for 66 projects of Primary Education, Rs. 1.62 billion for 41 Projects of Middle/Elementary Education, Rs. 1.73 billion for 38 projects of Secondary Education, Rs. 2.37 billion for 52 Projects of College Education, Rs. 0.97 billion for 11 projects of University Education and Rs.1.85 billion for 9 Projects of General Education during 2014-15.

90. Public sector expenditures in health facilities are increasing across the country. An amount of Rs.20.48 billion was provided to Health sector in Federal PSDP 2014-15 and utilization of approx. Rs.22.4 billion (This includes Rs: 10.8 billion as foreign Aid for Program for elimination of Polio) by the end of March 2015. Currently Pakistan is spending 0.42 percent of its GDP on health care services.

Paragraph 2, subparagraphs (a) to (c)

91. In accordance with Pakistan domestic and international human rights obligations, death penalty is not awarded to children. No child has been awarded death penalty as well as no defendant is currently on death row.

92. No missing children as a result of enforced disappearances have been reported.

93. With regard to acid attacks and honour killings, no case of children subjected to these reprehensible practices have been reported. However, cases have been reported of women who had been subjected to honour killings and acid attacks.

Paragraph 2, subparagraphs (d) to (i)

94. Currently no disaggregated data is available. However, after the planned Census, it is expected that more detailed data would be made available.

Paragraph 3, subparagraphs (a) to (e)

95. Currently, no authentic or segregated data is available. However, after the planned Census, more detailed data would be available.

Paragraph 4, subparagraphs (a) to (g)

96. No authentic or segregated data is available. After the planned Census, data may be available.

Paragraph 5

97. Kindly refer to Part II of the present replies to the list of issues for additional update.

Paragraph 6

98. Some of the priority areas where improvement is required are, Birth Registration, Children in conflict with law, Child welfare, Child Protection from Child pornography, child abuse and corporal punishment, malnourished children and drop out children